REMARKS

The Office Action of 22 November, 1999 finally rejected claims 21-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,664,646 issued to Rorabaugh in view of U.S. Patent No. 4,340,766 issued to Teague et al. This final rejection was appealed to the Board of Patent Appeals and Interferences. The Board issued their decision on the appeal on 31 October, 2002, upholding all of the examiner's rejections.

Pursuant to those rejections, this Request for Continued Examination is being filed under 37 C.F.R § 1.114. Claims 21, 22 and 24 have been amended. Claims 23 and 25-37 have been canceled without prejudice. New claims 38-51 have been added to more particularly point out and distinctly claim the invention. No new matter is being introduced in these new claims.

Independent claim 21 as amended, and new independent claim 43, now positively recite that the treadmill comprises "a motor attached to the tread base, mechanically coupled to the continuous belt and located forward of the pivot point". This feature is fully supported by the disclosure and not found in any of the cited art.

This positioning of the motor (and the flywheel and motor controls in subsequent dependent claims) forward of the pivot axis forms a cantilever, which counterbalances some of the weight of the tread base located to the rear of the pivot axis, reducing the force necessary for a user to lift the tread base from the operating position to the storage position. In addition, once the tread base is lifted to a point that it forms an angle of approximately 5-10 degrees with the vertical, the downward force of gravity attributable to the weight of the motor, flywheel and other components located forward of the pivot axis actually exceeds the downward force of gravity attributable to the components of the tread base located to the rear of the pivot axis. After that point, the user can actually release the tread base, and the tread base will continue

rotating in the direction of the storage position until it comes to rest against the upright of the support structure.

When the tread base of the present invention is in the storage position, its weight distribution actually resists displacement from the storage position until a force of sufficient magnitude is applied to rotate the tread base past the point at which the downward gravitational force of the components located to the rear of the pivot axis once again exceeds the downward gravitational force of the components located forward of the pivot axis. This is a highly desirable improvement over the prior art. It provides the treadmill owner with a system that is particularly advantageous in less spacious living quarters. Additionally, it makes moving the system back and forth between the operating position and the storage position relatively easy, even for users who are young, disabled or frail. Since the system can be moved between positions with much less force than conventional treadmills, it also prevents lifting injuries such as back strain that can result from trying to move systems that are not designed with the improvements of the Applicant's invention.

In view of the foregoing, Applicant believes that current claims 21, 22, 24, and 38-51 are now allowable as written. Timely allowance of all pending claims is therefore respectfully requested.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephonic interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of December, 2002.

Respectfully submitted,

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